

**REMARKS**

Claims 1, 3-5, 7-28, and 30-35 are pending in this application. Claims 2, 6, and 29 are cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 1, 3, 4, 28, and 30 are amended, merely to include subject matter that has previously been considered and examined by the Examiner. Claims 1, 3, 28, and 30 are independent. Reconsideration of this application, as amended, is respectfully requested.

**Reasons for Entry of Amendments**

At the outset, the Applicants respectfully submit that each of claims 2, 3, 29, and 30 as originally filed contained allowable subject matter not taught or suggested by any combination of the references cited by the Examiner. Therefore, the Applicants respectfully submit that the rejection of at least claim 2, 3, 29, and 30 was not proper, and that the Finality of the Rejection in the Office Action dated September 26, 2006 should be withdrawn.

By way of this Amendment, independent claim 1 has been amended to include the subject matter of claim 2 as originally filed, independent claim 28 has been amended to include the subject matter of claim 29 as originally filed, dependent claim 3 has been rewritten in independent form, and dependent claim 30 has been rewritten in independent form, thereby, automatically placing the application in condition for allowance. Claims 1, 3, 28, and 30 as amended merely contain subject matter that has previously been considered by the Examiner. None of the claims contains subject matter that raises new issues requiring an additional search of the art.

Accordingly it is respectfully requested that this Amendment be entered into the Official File and that the Finality of the rejection be withdrawn.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by canceling claims 2, 6, and 29, thereby reducing the number of pending claims. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

**Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1, 5, 9, 28, and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable by Ellenby et al. (U.S. 5,815,411) in view of Iwamoto (JP 08-294025);

claims 2-4, 6-8, 10-22, and 29-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellenby et al. in view of Iwamoto, Honda et al. (U.S. 5,296,884) and Baron (U.S. Patent No. 6,459,388);

claims 23, 25, and 34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellenby et al. in view of Iwamoto and Suzuki (U.S. Patent No. 5,831,670); and

claims 24, 26, 27, 33, and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellenby et al. These rejections are respectfully traversed.

**Arguments Regarding Independent Claims 1, 3, 28, and 30**

While not conceding the appropriateness of the Examiner's rejections, but merely to advance the prosecution of the present application,

independent claim 1 has been amended to include the subject matter of claim 2 as originally filed,

independent claim 28 has been amended to include the subject matter of claim 29 as originally filed,

dependent claim 3 has been rewritten in independent form, and

dependent claim 30 has been rewritten in independent form.

Accordingly, each of independent claims 1 and 28, as amended herein, recites a combination of elements directed to an imaging device, including *inter alia*

“wherein along with said positional information included in the photography information, said photography information also includes date information which represents various recommended dates for performing photography at said various photography locations; and in addition to said various photography locations, said recommended composition data represent composition images recommended on said various recommended photography dates for performing photography at said various photography locations”.

In addition, each of independent claims 3 and 30, as amended herein, recites a combination of elements directed to an imaging device, including *inter alia*

“wherein along with said positional information included in the photography information, said photography information also includes weather information which represents various recommended weather conditions when performing photography at said various photography locations; and in addition to said various photography locations, said recommended composition

data represent composition images recommended under said various recommended weather conditions when performing photography at said various photography locations”.

The Applicants respectfully submit that each of independent claims 1, 3, 28 and 30 as amended herein, sets forth subject matter that is not taught or suggested by any combination of the references cited by the Examiner, including Ellenby et al., Iwamoto, Honda et al., and Baron.

**The present invention**

In the present invention, the recommended composition data is changed based on the recommended date for picture taking (as in claims 2 and 29 as originally filed, and now in independent claims 1 and 28), and/or the recommended weather conditions for picture taking (as in dependent claims 3 and 30 as originally filed, now in independent claims 3 and 30). The Applicants submit that no combination of Honda et al. and Baron teaches or suggests these features.

**Analysis of Ellenby et al. and Iwamoto**

On page 3 of the Office Action, the Examiner concedes that Ellenby et al. fail to explicitly disclose the recommended composition data that represent an image of a composition that is recommended in performing photography. In addition, Iwamoto is silent about recommended composition data that represent composition images recommended under said various recommended weather conditions.

**Analysis of Honda et al.**

Based on a careful review of Honda et al. FIG. 7, lines 25-38, it appears that this document merely discloses a “date” being recorded at the time of picture taking. As such,

Honda et al. fail to disclose that the recommended composition data represent composition images on said various recommended photography dates for performing photography at said various photography locations (as set forth in claim 2 and 29 as originally filed, and now in independent claims 1 and 28, as amended herein). Honda et al. also is silent about recommended weather conditions.

In summary, Honda et al. fail to teach the subject matter of any of independent claims 1, 3, 28, and 30, as amended herein.

**Analysis of Baron**

Based on our review of Baron FIG. 3 and column 6, lines 40-41, it appears that this document merely illustrates suggested time of day/time of year data 34 for capturing views at particular times of day or year. In addition, Baron FIG. 3, column 6, line 46, and column 8, lines 11-12 merely seems to disclose actual or real-time weather conditions 33 in order to provide the user a set of camera settings particularly suited for picture taking under the particular weather conditions of the moment. As such, the Baron reference, like the Honda et al. reference, fails to disclose

the recommended composition data represent composition images recommended on said various recommended photography dates (as set forth in claims 2 and 29 as originally filed, and now in independent claims 1 and 28, as amended herein), or

the recommended composition data represent composition images recommended under said various recommended weather conditions (as set forth in claim 3 and 30 as originally filed, and now in independent claims 3 and 30, as amended herein).

Thus, Baron cannot teach the subject matter of any of independent claims 1, 3, 28, and 30, as amended herein.

As least for the reasons above, the Applicants respectfully submit that the combination of elements set forth in each of independent claims 1, 3, 28, and 29 is not taught or suggested by the references cited by the Examiner, including Ellenby et al., Iwamoto, Honda et al., and Baron.

Therefore independent claims 1, 3, 28, and 30 are in condition for allowance.

**Dependent Claims**

The Examiner will note that dependent claims 2, 6, and 29 have been cancelled and that claim 4 has been amended. All dependent claims are in condition for allowance due to their dependence from allowable independent claims, or due to the additional novel features set forth therein.

All pending claims are now in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. 103(a) are respectfully requested.

*Application No. 09/837,171*  
*Reply dated February 26, 2007*  
*Reply to Office Action of September 26, 2006*

*Docket No. 2091-0238P*  
*Art Unit: 2622*  
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**CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

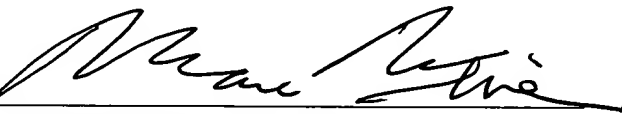
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.


In the event there are any matters remaining in this application, the Examiner is invited to contact Carl T. Thomsen, Registration No. 50,786 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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